

Notice of Allowability	Application No.	Applicant(s)	
	09/560,294	NIELSEN, GEORGENE M.	
	Examiner	Art Unit	
	Lana N. Le	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/20/06.
2. ☒ The allowed claim(s) is/are 1,3,5-7,9,11-13,15,17 and 18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|--|--|

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

Regarding independent claims 1, 7, and 13, they are allowable for the reason as set forth in applicant's remarks, filed 9/20/06.

Regarding independent claims 1, 7, and 13, Bodin et al disclose a system and method for load balancing, for wireless communication having a plurality of cells (cl-cl 0), each cell adapted to serve a plurality of mobile subscriber stations (col 2, lines 50-64), comprising: means responsive to receipt of a service request from a mobile subscriber station (ml-m9) for establishing communication connection for the requesting mobile subscriber station via at least one of the plurality of cells (col 4, lines 37-40), means for determining when assignment of the mobile subscriber station to a cell results in a predetermined threshold (critical value X) being exceeded comprising: means for measuring a traffic load (measuring traffic occupancy level) in the cell (col 8, lines 34-39), means for comparing (at step 102) the measured traffic load to a predetermined traffic load threshold (col 8, lines 34-39), means, responsive to the predetermined threshold (X) being exceeded for selecting at least one of a plurality of mobile subscriber stations served by the cell for reassignment to another cell (cell with lowest occupancy level selected) based upon the class of service of the plurality of mobile subscriber stations (col 8, lines 37-51; col 5, lines 1-15).

Wejke et al (US 5,175,867) disclose identification means for identifying at least one of the plurality of mobile subscriber stations served by said cell with the lowest priority for handoff (col 12, line 61 – col 13, line 6).

However, the cited prior art fail to disclose: the means for selecting at least one of a plurality of mobile subscriber stations served by the cell for reassignment to another cell comprises additional criteria determining means for arbitrating among said identified mobile subscriber station using additional criteria selected from call management factors, including: duration of call connection, location of mobile subscriber station within the cell, proximity to an adjacent cell, and signal strength in adjacent cells.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Natarajan (US 6,597,913), Distributed Dynamic Channel Management in Cellular Systems

- Bodin et al (US 5,542,093), Method for Redistributing Dual Mode Mobile Units To Extended Channel Groups to Reduce Congestion in Primary Channel Groups

- Chavez et al (US 5,907,807), Dynamic Learning of Neighboring Wireless Cells

- Kotzin et al (US 5,796,722), Method And Apparatus for Dynamic Load
Balancing Using Handoff

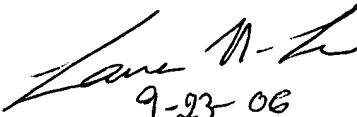
- Brodie (US 6,219,541), Cellular Radio System.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lana N. Le whose telephone number is (571) 272-7891. The examiner can normally be reached on M-F 9:30-18:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lana Le


9-23-06
LANA LE
PRIMARY EXAMINER